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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,837

03/17/2004

Bradley D. Schweigert

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39915 7590 01/11/2007
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EXAMINER

HUNTER, ALVIN A

ART UNIT

PAPER NUMBER

3711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/803,837

Applicant(s)

SCHWEIGERT, BRADLEY D.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 11 and 14-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, and 14-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, and 14-32 are rejected under 35 U.S.C. 103(a) as being unobvious over Iwata et al. (USPN 6899638).

Regarding claims 10 and 15-32, Iwata et al. discloses a golf club head comprising a faceplate having a contoured rear surface wherein the contoured rear surface includes a central thickened region having a non-circular, elliptical outer edge surrounded by a transition region tapering from the central thickened region toward a thinner peripheral region wherein the transition region also has an elliptical outer edge (See Column 14, lines 3 through 55 and Table 7 and Figure 8). Based on Table 7, the faceplate inherently has a outer edge of the central thickened region having an aspect ratio that is greater than the aspect ration of the elliptical outer edge of the transition region being that the major and miner axes of the central thickened region are 10mm and 5mm respectively, and the major and minor axes of the transition region (tapered region) are 15mm and 10mm respectively (wherein the distance of the central thickened region is factored in). Based on the above the aspect ratio of the central thickened region is 2 and the aspect ratio of the transition region is 1.5. Further, Iwata et al. show several embodiments wherein the surface extending to the outer edge of the second

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elliptical region (frustum region or surface) are tapered or curved. It is noted that the applicant does not disclose any additional benefits of having the surface of different profile, therefore, the conclusion can be made that the profile provide identical results. The same applies for Iwata et al. being that the profiles are not disclosed as providing different results. One having ordinary skill in the art would have found the shape of the profiles to be a "matter of choice" and that any shaped profile would perform equally as well so long as the mis-hits are reduced (See In re Dailey, 149 USPQ 47). The cutting tool will not be given patentable weight. The invention being claimed is an apparatus claim and the cutting tool does not provide any structural difference in the outcome of the invention.

Regarding claim 11, Iwata et al. discloses the elliptical outer edge of the central thickened region having a first major axis and a first minor axis and the elliptical outer edge of the transition region has a second major axis and a second minor axis wherein the second major axis being equal to the first major axis plus a predetermined distance and the second minor axis being equal to the first minor axis plus a predetermined distance (See Column 14, lines 3 through 55).

Regarding claim 14, Iwata et al. discloses the club head further comprising a shell having an opening and the faceplate being attached to the opening in the shell to form a hollow body (See Figures 95-97).

Response to Arguments

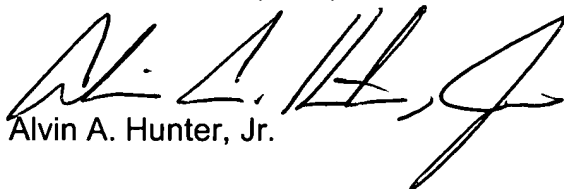
Applicant's arguments with respect to claims 10 and 14-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 571-272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim, can be reached at 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin A. Hunter, Jr.